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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/781,058

02/18/2004

John Pafford

MSDI-455/PC263.33

8377

52196

7590

06/23/2009

MEDTRONIC

Attn: Noreen Johnson - IP Legal Department

2600 Sofamor Danek Drive

MEMPHIS, TN 38132

EXAMINER

WILLSE, DAVID H

ART UNIT

PAPER NUMBER

3738

MAIL DATE

DELIVERY MODE

06/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10781058	2/18/04	PAFFORD ET AL.	MSDI-455/PC263.33

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EXAMINER

David H. Willse

ART UNIT	PAPER
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3738	20090621
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DATE MAILED:

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Commissioner for Patents

Art Unit: 3738

The reply filed on March 16, 2009, is not fully responsive to the prior Office Action because of the following omissions or matters:

The Applicant's reply inadequately points out the support in the original disclosure for the newly presented claim limitations (MPEP §§ 714.02 and 2163.06) in that the referenced passages of the specification do not describe or suggest impregnating a *cortical* bone section of the bone dowel or graft (as opposed to, for example, a *cancellous* bone section of the bone dowel or graft) with an osteogenic composition including a substantially pure osteogenic factor as claimed. The Applicant also needs to complete the response as to the issue of whether or not U.S. patent application serial no. 08/740,031 is a continuation-in-part of U.S. patent application serial no. 08/603,676.

Attention is directed to 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Willse, whose telephone number is 571-272-4762 and who is generally available Monday, Tuesday, and Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott, can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

**/David H. Willse/
Primary Examiner
Art Unit 3738**